

**FITCHBURG PLANNING BOARD MEETING MINUTES  
THURSDAY, JANUARY 22, 2009**

**MEMBERS PRESENT:** Paula Caron, Chair  
Mike DiPietro  
Mike Hurley  
Nancy Maynard  
John DiPasquale  
Paul Fontaine, Jr.

**MEMBERS ABSENT:** Elizabeth Slattery

**PLANNING OFFICE:** David Streb  
Mike O'Hara

**Call to Order**

Meeting called to order at 6:05 p.m. in the City Council chamber, First Floor, City Hall.

**Board Reorganization**

Motion made (Mr. Fontaine) and seconded (Mr. Hurley) to keep Ms. Caron as Chair.  
Vote 6-0 in favor.

Motion made (Mr. Fontaine) and seconded (Ms. Maynard) to keep Mr. Hurley as Vice-Chair.  
Vote 6-0 in favor.

**Meeting Minutes**

Motion made & seconded to approve minutes of the November 18, 2008 meeting. Vote unanimous to approve. (Note: There are no minutes of the postponed December 18<sup>th</sup> meeting)

Motion made by Mr. Hurley to correct the April 15, 2008 minutes. The minutes for that meeting erroneously state that Mike Hurley is present, when he was absent, and Nancy Maynard is shown as absent, when she was present at the meeting. The Board voted unanimously to make that change.

**ANR plans**

The Board reviewed and endorsed the following "ANR" plan:

Belmont Street, AKS Realty Trust

Resubdivision – parcel at 116 Belmont Street is receiving 3,600 sq. ft. from the adjacent parcel at 100 Belmont St.

**Communications**

David Streb informed the Board that the city received approval for a Gateway Plus grant for foreclosure prevention in the Elm Street area, and about a grant for strategic planning in the River Street area to create a Smart Growth Zoning District and redevelop vacant mill space.

Michael O'Hara distributed a letter from the Mayor to MRPC requesting a traffic study for the Franklin Road and Electric Avenue area.

**Minor Site Plan Review**

81 Ross St., Belliveau, convert to Bed & Breakfast

Brian Belliveau presented plan. They intend to call it the Howarth House, after the first owner. They will continue to live in the house. Will start out with one guest room with a private bath. May expand in future, but wanted to make clear it will not be a rooming house. There's room for six cars to park. Will need to get approval from Board of Health for kitchen. Plans to open summer-fall '09 and operate year-round, not just weekends.

The ZBA has already issued Special Permit; the ZBA decision was read aloud by Ms. Caron. Brian said he'd like to be ready to be occupied by summer or fall, depending on how the Board of Health rules.

Greg Morand of Aubuchon Hardware -- he looks for B&Bs when traveling and spoke in favor of the application.

Motion made & seconded to approve Minor Site Plan.  
Vote 6-0 in favor

28 Spring Street, Bessette, 3-family

Atty. Watts and Applicant present. Atty. Watts explained that the applicant bought the adjacent vacant lot site to provide parking for his three-family dwelling. The Building Commission has determined that the building is grandfathered as a 3-family, but that it needs site plan review.

Mr. Fontaine – Board's concern now is whether it has adequate parking.

Mr. Hurley commended the applicant for acquiring the adjacent lot to use for parking.

While the proposed layout doesn't strictly speaking meet the Board's requirements (the tail end of parking spaces encroach into the layout of the street), it works practically as a parking area.

Motion made & seconded to approve Minor Site Plan.  
Vote 6-0 in favor.

173 Mechanic St., Rick Scott, parking lot for multi-family bldg.

Rick Scott presented plan. Has 12 unit building (ten 2-BR & 2 studios) at 173 Mechanic St. Access is from Elm Street. 17 parking spaces are proposed. He explained that he is working with the Twin Cities CDC in the development of three single-family homes adjacent to the site, but can't wait for them to proceed. He needs to fix the parking lot for his tenants. He wants the outside of the building to look as good as the inside to keep quality tenants.

Chris Deloge of Whitman and Bingham described the proposed rain garden handling drainage from the site. Existing soil will be replaced with "biomaterial soils" – a mix of loam, etc.

Mr. DiPasquale asked if there would be a retaining wall to the rear of the site. Rick said that they were staying away from the existing wall, and that he intended to leave it sloped to the base of the wall. The work will be mainly filling, not cutting, except for the right rear of the site. There may be a need for a retaining wall.

Motion made & seconded to approve Minor Site Plan, subject to submission and Board review of landscaping plan within one year from date of approval.

Vote 6-0 in favor

222 Bemis Rd., Butler, warehouse/wholesale of fire protection equipment

Ms. Caron recused herself, as her husband (a realtor) represented the owner.

Mr. Fontaine pointed out that a prior owner of the property was his father, but didn't feel that it presented a conflict.

Carol Butler presented. Said the former sign company would be a warehouse for fire protection equipment. She'll have three employees. There will be occasional delivery trucks. They will use the main paved access out to Bemis Road, and there is another existing right-of-way for access. No retail sales. They have a couple employees. Parking is adequate for them.

Motion made & seconded to approve Minor Site Plan.  
Vote 6-0 in favor

**PUBLIC HEARINGS**

**Special Permit & Definitive Subdivision Plan - Fisher Road LLC, off Fisher Rd.**  
**(postponed from 12-18-08)**

*Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Maynard, Slattery (6)*

Action: Denied.

Mr. and Mrs. Lagasse, New West Townsend Rd. couldn't attend, but sent a letter that all of the Board members received.

Chris Deloge, Whitman & Bingham presented. He stated Brian Devellis could not make the meeting. They met with Stantec regarding their review & they modified the plan slightly in accordance with their review, and they expect further revisions from the Conservation Commission.

Chris said that Mr. Develis offered \$1,500 per lot (\$30,000) for off-site improvements, payable per lot. When this was payable was to be determined. They will also have to pay I & I fees and connection fees. Mr. DiPasquale and Mr. Fontaine both stated that they felt the payment was insufficient. Mr. Fontaine verified that repaving of Fisher Road would be in addition to that; the cost of the repaving would not come out of the cash contribution.

Joe Poznick, Fisher Rd. – could someone give us information concerning the Conservation Commission letter? Also, they never received a response to their previous letter from November.

Chris Deloge clarified that the only part of the sewer line that will be pressurized is the private portion in the development which will be pumped up to a manhole in Fisher Road. The balance of the line will be gravity flow down Fisher Road & New West Townsend Road. To get the proper depth needed, they will need to replace a portion of an existing sewer line just beyond Cortland Avenue.

Each house will have a 3-day storage capacity in the E-1 sewer system in case there is a power outage

Q: What about power failures?

A: Brian Devellis has offered to buy generators for each home if that's an issue for the board.

John Sulin, 861 Fisher Road: There are a lot of power failures in that area. What happens when all the sump pumps start running at the same time?

A: The system would be designed to accommodate that.

Chris said he didn't know how many houses would tie in, but that the gravity sewer will be sized to allow homes all along Fisher Road and New West Townsend to tie in, including future development potential.

Joe Poznick: Why don't you know? This issue came up before, and you said you were going to survey homeowners.

Chris – When we get to that point in the design, we'll do that. Devellis is willing to provide each property with a sewer lateral.

Mr. DiPasquale- Could Fisher Road be widened? A: It's only a 33-foot layout, and the existing road can handle the proposed traffic.

The latest plan has a 11-19-08 revision date.

Mr. DiPietro stated he is ready to vote. He doesn't feel the project meets the Special Permit criteria.

Motion made & seconded to close the hearing, on both the conventional subdivision, and the Special Permit/cluster subdivision. Vote unanimous in favor. Hearing closed at 7:20 p.m.

Mr. Fontaine wanted to talk about conditions. Ms. Caron is concerned about the viability of the site and impacts to the environment and the neighborhood. It's too wet. The conventional subdivision was also problematic due to the length of the driveway and site conditions.

Motion made (Mr. Fontaine) and seconded (Mr. Hurley) to approve the Special Permit and cluster subdivision with conditions to be determined later. Vote was 3-3, therefore motion failed (Mr. DiPietro, Ms. Maynard and Ms. Caron opposed).

Reasons given by those voting against: that it doesn't meet the Special Permit criteria in the Zoning Ordinance, concerns with the environmental aspects of the project.

Motion made (Mr. Fontaine) and seconded (Mr. Hurley) to approve the conventional definitive subdivision plan. Vote failed 3-3 – same opposition. Reasons given by those voting against: the number of waivers from the Subdivision regulation needed, length of access road, road width, drainage from the site. A draft decision will be circulated for the Board's approval.

Therefore the project is denied and cannot be resubmitted within two years without substantive changes. Reasons for denial – subdivision plan, unacceptable waivers –

#### 26 Willow St. Mill conversion (Special Permit #04-32) - minor modification

Mike O'Hara briefly described to the Board the history of the project.

Request is to increase the project from 142 to 160 beds, with a slight increase in the exterior at both ends.

Chris Stewart: They hope to start construction by March 15<sup>th</sup> and apply for a building permit by February 15<sup>th</sup>. They are looking to charge what the college charges - \$750 / month – about the same as a one bedroom apartment. The building will be LEED-certified to silver, possibly to gold standards. It will have full keycard access.

Michael O'Hara stated that the Fire Department is OK with the access around the building.

Ms. Caron asked about storage. All storage will be within each room – no other storage will be provided. Management will be by Northpoint property management.

Motion made & seconded to approve the minor modification.

Vote unanimous to approve.

### **OTHER BUSINESS**

#### "Gateway Village" condos South Street

Leo Xarras brought approved plans he said he obtained from Ken Thibeault of KRT, who did the site work for the previous owner. He said he's done no site work except cleaning up the mess that was left. He said if people have a problem, they should get an attorney and sue the general contractor who did the work. They are bonded and have insurance.

Ms. Caron said the Mr. Xarras is the owner now, and that he's responsible for special permit conditions and any issues now.

Mr. Xarras said he objects to that. He hasn't done any construction on the site. From South Street to the back of the site, it slopes 4 feet and it's not possible for the water to be affecting the neighbor's basement. Xarras said Ken Thibeault said he was told by someone with the DPW that there may be a water main break in the area. Frank Preston (who owns property nearby on Ellis Street) served as inspector for KRT when site work was done. Suggested inviting Frank in to talk about what he saw.

Mr. Hurley suggested that the matter be put on the agenda when the Engineering office has had a chance to review the site.

Angela Scaficchia, Everett Street Extension – Mr. Valiton used to have a pond, but now he doesn't and her basement does.

Mr. Xarras said that her basement is significantly higher than Mr. Valiton's.

The Board wants to hear a report from engineering regarding the neighbor's concerns.

Mr. Xarras stated that if the report says there's a problem, he'll get the contractors to fix the problems. All this work was completed and signed off three years ago.

Angela said that her problems started three years ago. Water was coming in thru the basement floor.

Dave Clark – Ward 1 Councilor – He can attest to what he's seen. There used to be a lot of water dumping on Mr. Valiton's property. Then, all of a sudden, the Scaficchias got a terrible water problem, and they've put a lot of money into fixing the problem. Also, there are others in the area that have drainage problems in the last few years. Mrs. Pick has had a problem on Ellis Street that got worse when the trees were cut down. There are also problems on Putnam Park – 2 or 3 families in the last couple of years. He will get Engineering to respond.

Mr. Xarras asks that when we get this report, we should send it to him so he can notify the property owners. He said that if the market improves and he sells the front units, he'll build Mr. Valiton a home (which was part of an amended permit condition that was not exercised). He didn't say he's never buy the Valitons house, but right now, he won't. He's only been able to sell one unit.

Jim Scaficchia – There's a road in the back that shouldn't be there. Why is it there?

Mr. Xarras – it's not a road, it's a place to park a construction trailer. It has been blocked off with sawhorses, and it's not plowed. It's not a road.

Mr. DiPasquale. What if DPW or Engineering can't figure it out? Who will pay for a private engineer? David Streb said that typically a so-called 53G account is set up prior to the decision, and the owner – in this case Mr. Xarras – would pay. Ms. Caron said we should cross that bridge when we come to it.

Meeting adjourned 8:30 p.m.

Next meeting: February 17, 2009

*approved: February 17, 2009*